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17 Attorneys For Plaintiff

18 **HARDWARE RESOURCES, INC.**

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **OAKLAND DIVISION**

22 **HARDWARE RESOURCES, INC.,**

23 **Plaintiff,**

24 **vs.**

25 **WEST COAST MOBILE**

26 **HARDWARE, INC.,**

27 **Defendant.**

Case No.: C07-03635

Chief Judge Sandra B. Armstrong

**AMENDED STIPULATION AND ORDER
EXTENDING TIME PENDING
MEDIATION**

DEMAND FOR JURY TRIAL

28 Plaintiff Hardware Resources, Inc. and Defendant West Coast Mobile Hardware, Inc. (the
“Parties”) hereby stipulate and agree as follows:

1 1. The Parties have scheduled mediation (the “Mediation”) in this case for
2 November 19, 2007.

3 2. To facilitate the settlement discussions at the Mediation, by October 25, 2007,
4 Defendant will withdraw without prejudice its Motion to Stay Proceedings, which is set for
5 hearing on November 16, 2007. If the Mediation is unsuccessful and Defendant re-files its
6 Motion to Stay Proceedings within thirty (30) days of mediation, the Plaintiff agrees not to raise
7 timeliness as a defense to the Motion.
8

9 3. The Parties further stipulate that the Initial Case Management Conference, which
10 is set for November 7, 2007 be continued.

11 4. Defendant’s counsel, Donald J. Rafferty of Cohen, Todd, Kite & Stanford, LLC,
12 will file a Motion to Leave to Appear Pro Hac Vice prior to the Mediation.
13

14 5. The Parties shall file a joint report (the “Report”) regarding the results of the
15 Mediation by no later than Monday, November 26, 2007.

16 6. If this matter is not settled at the Mediation, Defendant may re-file its Motion to
17 Stay Proceedings and set it for hearing. The Initial Case Management Conference will be reset
18 to January _____, 2008 at _____ p.m., via telephone.
19

20 7. Plaintiff’s counsel is to set up the conference call with all parties on the line and
21 call chambers at (501) 637-3559. (No party shall contact chambers directly without prior
22 authorization of the Court.)
23

24 8. Counsel will file a Joint Case Management Statement at least ten (10) days in
25 advance of the Case Management Conference that complies with the Standing Order For All
26 Judges Of The Northern District Of California and the Standing Order of this Court.
27
28

9. The extensions of time stipulated and requested above will not affect the current schedule of this matter.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT COURT

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, I electronically filed the Amended Stipulation and Order Extending Time Pending Mediation with the clerk of the court for the U.S. District Court, Northern District of California, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Mark H. Harris harris.law@att.net

A true and correct copy of the Amended Stipulation and Order Extending Time Pending Mediation was served upon the persons listed below in the manner indicated on October 23, 2007.

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/s/ George R. Schultz
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